

EXHIBIT 5

The Law Office of
DAVID C. DEAL
Copyright and Intellectual Property Law

P.O. Box No. 1042
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May 18, 2020

VIA Email

TraxNYC
Attn: Maksud Agadjani
64 W 47th Street
New York, NY 10036
service@traxnyc.com

Re: Infringement of Photographic Copyright by TraxNYC

Dear Mr. Agadjani:

My firm represents Maury Phillips, a professional photographer whose original copyrighted work has been infringed by TraxNYC.

I have attached a number of documents that offer evidence of such infringement: Exhibit A is a copy of Mr. Phillips's copyrighted photograph, "Notorious BIG-Maury Phillips Archives_3.jpg." Exhibit B includes documentation of TraxNYC's public use of the photograph. Exhibit C is the copyright registration for the photograph.

As evidenced by the exhibits, TraxNYC's use of "Notorious BIG-Maury Phillips Archives_3.jpg" appears to infringe our client's copyright. If you have been issued a license for the copyrighted work identified in Exhibit A, please contact our office immediately to provide documentation.

Our client has a number of options, including the right to file suit against TraxNYC for copyright infringement. Title 17 §§ 504-5 of the U.S. Code outlines damages for which an infringer is liable, including actual damages suffered by my client as well as your organization's profits attributable to the infringement. [www.govinfo.gov/content/pkg/USCODE-2012-title17/pdf/USCODE-2012-title17-chap5-sec504.pdf].

Please keep in mind that damages for copyright infringement are designed to recover the economic loss of the misuse, as well as to prevent and deter infringement. I encourage you to share this letter with your legal counsel, who can confirm the details of the applicable federal law outlined above.

In straightforward copyright cases such as this, it is often advantageous for parties to settle without filing suit. This is especially true given the extremely high cost of litigating intellectual property cases. While my firm has experience litigating copyright infringement cases, we have found that both parties are often best served by negotiating a resolution. Accordingly, our client has authorized my firm to resolve this matter on the following conditions:

1. TraxNYC remove the infringing work and any infringing derivatives thereof from the organization's website, and anywhere else the image has been used;
2. TraxNYC agree not to infringe any of Mr. Phillips's work in the future; and,
3. TraxNYC tender \$10,000.00 to the Law Office of David C. Deal's client trust account to compensate Mr. Phillips for the infringement.

This offer is designed to minimize TraxNYC's ultimate exposure in this matter. Moreover, because TraxNYC requires the use of photographs in print and digital media, resolving the issue of copyright infringement through a confidential settlement will likely serve the long-term interests of the organization.

The longer this matter continues, the less inclined Mr. Phillips will be to resolve this matter without litigation. This is especially true if TraxNYC attempts to avoid the responsibility of infringement or employs delaying tactics. We can provide a sample confidential settlement agreement or we welcome the opportunity to jointly draft an agreement with your legal counsel that reflects a sound resolution to this matter.

Please carefully consider this letter and the associated exhibits. If we do not receive a response from you or a representative of TraxNYC within fifteen days from the date at the top of this letter, we will take further steps to resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Deal", written in a cursive style.

David C. Deal

EXHIBIT A

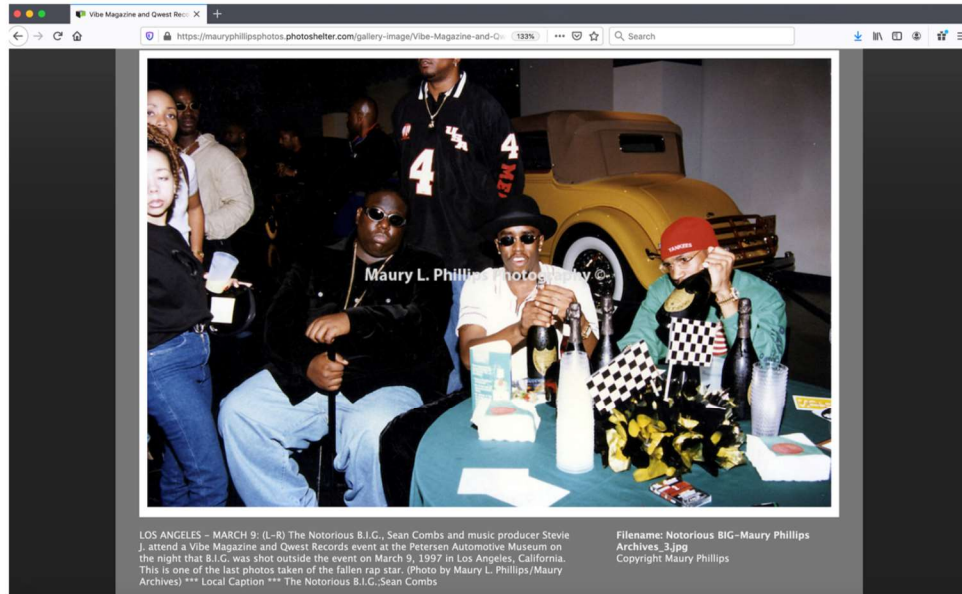


EXHIBIT B

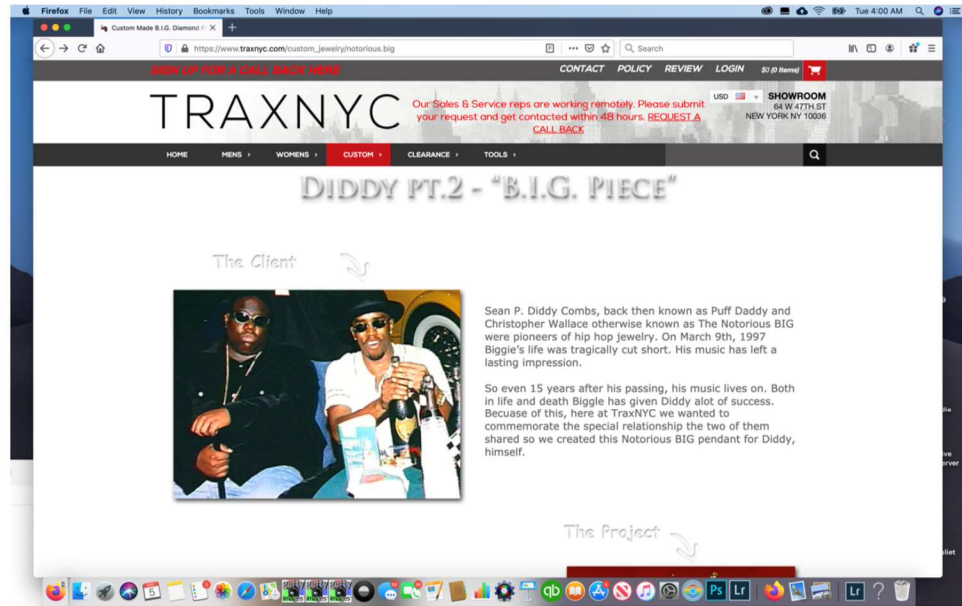



EXHIBIT C

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

 *Maury L. Phillips*
Register of Copyrights, United States of America

Registration Number
VA 1-842-287

Effective date of registration:
September 30, 2012

Title _____
Title of Work: The Notorious B.I.G. Images

Completion/Publication _____
Year of Completion: 1997

Date of 1st Publication: March 10, 1997 Nation of 1st Publication: United States

Author _____
■ Author: Maury Lee Phillips
Author Created: photograph(s)
Citizen of: United States Domiciled in: United States

Copyright claimant _____
Copyright Claimant: Maury Lee Phillips
PO Box 2201, Santa Clarita, CA, 91386, United States

Rights and Permissions _____
Name: Maury Lee Phillips
Email: maury@mauryphillipsphotos.com Telephone: 310-628-7271
Address: PO Box 2201
Santa Clarita, CA 91386 United States

Certification _____
Name: Maury L. Phillips
Date: September 30, 2012

Page 1 of 1